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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 ERIKA LEE,

4 Plaintiff,

5 v.

22 CV 08618

6 DELTA AIR LINES, INC.,

7 Defendant.

Hearing

8  
9 New York, N.Y.  
August 22, 2023  
9:30 a.m.

10 Before:

11 HON. ROBERT W. LEHRBURGER,

12 U.S. Magistrate Judge  
13

14 APPEARANCES

15 MORGAN LEWIS & BOCKIUS, LLP

Attorney for Defendant

16 BY: JONATHAN WEINBERG

IRA ROSENSTEIN  
17

18 Also Present: Erika Lee, Pro Se  
19  
20  
21  
22  
23  
24  
25

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1 THE DEPUTY CLERK: Good morning, parties. We're here  
2 for evidentiary hearing in 21 CV 8618, *Erika Lee v. Delta Air*  
3 *Lines, Inc.*

4 Parties, please state your name for the record.

5 MS. LEE: Erika Lee, pro se. Erika Lee, pro se.

6 THE COURT: Good morning.

7 MR. ROSENSTEIN: Ira Rosenstein, Morgan Lewis &  
8 Bockius, for the defense.

9 THE COURT: All right. Good morning, all.

10 So we are here for an evidentiary hearing in light of  
11 the request from Delta raising concerns about the bona fides of  
12 the plaintiff and other person who may be involved, as well as  
13 the truth and veracity regarding address and assorted other  
14 things.

15 So I will allow counsel for Delta to examine the  
16 witness on the issues that he intends to, and I will also allow  
17 the plaintiff, if she wants to make a statement separately  
18 after that, to do so.

19 But, Mr. Rosenstein, is there anything you want to say  
20 before we start on the questioning?

21 MR. ROSENSTEIN: No, your Honor. Thank you for the  
22 opportunity.

23 Just logistically, I do have some documents that I  
24 would like to show Ms. Lee, and I wonder whether it's  
25 acceptable for her to stay at the counsel table for that or

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1 whether you intend to call her to the witness stand.

2 THE COURT: Well, if you're going to be asking  
3 questions of her, I'm going to ask her at the witness stand  
4 under oath.

5 MR. ROSENSTEIN: Okay.

6 THE COURT: In which case, you can use the documents  
7 as exhibits. Are these documents that have been on file?

8 I want to know if Ms. Lee has received those documents  
9 in some shape or form in the past.

10 MR. ROSENSTEIN: Yes. These are all documents that  
11 are in the docket, and they are largely documents that Ms. Lee  
12 filed in this case.

13 THE COURT: Okay. Ms. Lee, do you have any questions  
14 before me start?

15 MS. LEE: No, your Honor, but I would like to make a  
16 statement after I'm sworn in.

17 THE COURT: Go ahead.

18 MS. LEE: After I'm sworn in.

19 THE COURT: After you're sworn in?

20 MS. LEE: Yes.

21 THE COURT: All right. Why don't you come up and take  
22 the witness stand.

23 MS. LEE: Can I bring my papers?

24 THE COURT: Yes.

25 MS. LEE: Okay.

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Lee

1 THE COURT: Why don't you get yourself settled.

2 MS. LEE: Okay.

3 THE COURT: Do you want some water?

4 MS. LEE: I could take some. Thank you so much for  
5 asking.

6 THE COURT: All right. So I'm going to swear in  
7 Ms. Lee, and she said she does have a statement she wishes to  
8 make, so I will allow her to make that statement.

9 I think it would be best to do it in that order, and  
10 then you will have heard what she has to say and examine  
11 accordingly.

12 So, Ms. Lee, please raise your right hand.

13 (Witness sworn)

14 MS. LEE: Yes, your Honor.

15 THE COURT: All right. Thank you.

16 Please put down your hand, and why don't you proceed  
17 with your statement.

18 ERIKA LEE,

19 Plaintiff pro se, called as a witness by herself

20 ,

21 having been duly sworn, testified as follows:

22

23 DIRECT EXAMINATION

24 BY THE WITNESS:

25 MS. LEE: Okay. First, I am the plaintiff here, your

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1 Honor.

2 THE COURT: Okay. Slow down, a little more slowly, so  
3 that the court reporter can get it all down. You are closer  
4 now, so hopefully it will be louder.

5 MS. LEE: Okay. First, I am the plaintiff here, and I  
6 and only I have written every paper and brief filed in this  
7 case and written all discovery documents served on Delta.  
8 Aasir's only involvement in this case is that Aasir is a  
9 witness per the complaint, and that Aasir served Jose Rosado  
10 and David Needham on August 8th since Ira doesn't believe  
11 Cheline Byrd is a real person, and I know Ira is not --

12 THE COURT: When you are saying "Ira," are you  
13 referring to Mr. Rosenstein?

14 THE WITNESS: Yes, your Honor. Mr. Rosenstein.

15 Okay. Since Mr. Rosenstein doesn't believe Cheline  
16 Byrd is a real person, and I know Mr. Rosenstein cannot deny  
17 that Aasir is a real person. And while I have no testimony to  
18 offer to corroborate Mr. Rosenstein's 100 percent false  
19 criminal accusations, which are based on speculation, however,  
20 because Delta and/or Delta attorneys are and have been making  
21 criminal accusations against me and have previously requested  
22 referrals for criminal prosecution regarding these same issues  
23 Delta's attorneys requested this hearing for, I am invoking my  
24 Fifth Amendment privilege as to any questions related to and  
25 involving Aasir Azzarmi, and/or these false criminal

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1       accusations that somebody is ghost writing for me.

2               Also, Aasir is suing Mr. Rosenstein for a 1983 civil  
3       rights violation, and it's improper for Mr. Rosenstein to use  
4       my case as a venue or for obtaining discovery involving Aasir.  
5       Mr. Rosenstein's conspired to get Aasir falsely arrested, and  
6       Delta's attorneys requested that Rosanda Brown and Aasir  
7       Azzarmi be referred for criminal prosecution based on these  
8       same allegations that they are now manufacturing against me.

9               So I have a reasonable belief that Delta's motives for  
10      these evidentiary hearings are solely for criminal prosecution.  
11      This is their standard MO, and -- as this is what they do to  
12      employees who have merited cases. But while I am invoking the  
13      Fifth Amendment privilege on these false criminal accusations  
14      that Delta's attorneys are making against me, I am here to  
15      testify about my merits of my case. And I brought evidence of  
16      my similarly situated, non-black comparators, who were treated  
17      differently by Delta than I was.

18              So Mr. Rosenstein is welcome to question me about my  
19      knowledge of my own case and the facts that I wrote in the  
20      second amended verified complaint, because Mr. Rosenstein's  
21      false accusations of my Fifth Amendment rights to  
22      Mr. Rosenstein's manufactured criminal accusations does not  
23      preclude me from testifying about the fact related to my case  
24      and my second amended verified complaint.

25              THE COURT: All right. Thank you.

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Lee - Cross

1 THE WITNESS: Thank you, your Honor.

2 THE COURT: Thank you.

3 Just so you understand, we're not addressing the  
4 merits today.

5 THE WITNESS: Okay.

6 THE COURT: But I understand what you have said. I  
7 will allow Mr. Rosenstein to addresses anything he wants to  
8 that he's heard or proceed directly into examination. If you  
9 have a view on the defendant -- I'm sorry, the plaintiff's  
10 assertion of Fifth Amendment privilege in this context, I  
11 welcome that as well.

12 MR. ROSENSTEIN: I'll proceed --

13 THE COURT: Okay.

14 MR. ROSENSTEIN: -- and see how it plays out.

15 THE COURT: Okay.

16 CROSS-EXAMINATION

17 BY MR. ROSENSTEIN:

18 Q. Good morning, Ms. Lee.

19 A. Good morning.

20 Q. Did you write the speech that you just read to the Court  
21 yourself?

22 A. Yes.

23 Q. Okay. And tell me, what's your understanding of the Fifth  
24 Amendment? What is that?

25 A. The Fifth Amendment is a right to not incriminate myself,

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Lee - Cross

1 which means that when I testify against -- when I testify to  
2 something, it needs to be -- it may incriminate me, so I'm  
3 going to testify to the merits of my case, that I wrote my case  
4 and that -- just a minute. And that I don't want you to try to  
5 railroad me into a criminal action at some point by discussing  
6 other facts of someone else's case or them into another case as  
7 well, so I will be pleading the Fifth, also maintaining -- not  
8 saying anything in regard to that.

9 Q. What's your understanding of the meaning of the term  
10 "incriminate" in a legal proceeding?

11 A. Incriminate, just so you can get trumped up charges against  
12 me, it's not knowing that might incriminate me per se of me  
13 actually doing something illegal, but you can also just imply  
14 whatever you want. You turned a lot of things around already,  
15 and I can prove that.

16 THE COURT: Let's not worry about having the witness  
17 interpret legal terms or constitutional terms. If there is  
18 propriety in invoking the Fifth, she will do so. If not --

19 MR. ROSENSTEIN: My purpose is not to -- is not to  
20 test her legal knowledge, but to follow up on the question of  
21 who wrote the presentation.

22 THE COURT: So let's do that.

23 Q. I'm going to show you a document that you've submitted in  
24 this case and that you refer to in your presentation, and this  
25 is a document that is --

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Lee - Cross

1 A. Thank you.

2 Q. -- docket 58. Can you -- there's an email and then there's  
3 a document underneath it.

4 Can you identify the attached document -- not the  
5 email, but the attached document?

6 A. Yes.

7 Q. You said no?

8 A. I said yes. I have it.

9 Q. Can you identify what it is?

10 A. Yes. It's my second amended verified complaint.

11 Q. And it's your sworn testimony here that you drafted this  
12 complaint yourself, correct?

13 A. Yes.

14 Q. What caused you to submit a second amended verified  
15 complaint in this case?

16 A. I took out -- I added David and Jose -- David Needham, Jose  
17 Rosado, and I also added 1981, and whistleblowers, and deleted  
18 the breach of contract.

19 Q. Okay. Why did you make those changes?

20 A. I made the changes because you stated that the -- there was  
21 a timeframe for one that was over the intentional infliction of  
22 emotional distress. I had a statute of limitations of one  
23 year, and the negligent infliction of emotional distress is  
24 three years statute of limitations.

25 Q. I'm going to show you a -- just for the record, what role,

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Lee - Cross

1 if any, did Mr. Azzarmi play in drafting the amended complaint?

2 THE COURT: The amended or the second amended?

3 MR. ROSENSTEIN: The second amended. Thank you, your  
4 Honor.

5 A. I will be invoking my Fifth Amendment objection.  
6 Objection, Fifth Amendment.

7 Q. What is the basis of your objection?

8 A. Well, the basis of my objection -- because I already told  
9 you that I won't be speaking about Aasir Azzarmi. I'll be  
10 talking about the case, so you won't try to serve criminal  
11 prosecution against me, because my case has merit, to try to  
12 railroad me into something, because, you know, I'm defending  
13 myself. But also we can use objection, and asked, answered,  
14 because I did give you information in my statement beforehand.

15 Q. Okay. I'm going to show you a document that was also filed  
16 in this case.

17 A. Thank you.

18 Q. This is at Docket No. 27.

19 Are you familiar with this document?

20 A. Yes. It's rather old, though.

21 Q. Did you write this document?

22 A. I wrote all documents for my case. Objection, asked,  
23 answered.

24 THE COURT: What is the document?

25 MR. ROSENSTEIN: Docket 27. It's the response to

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Lee - Cross

1 defendant's motion to dismiss, request for notice of conversion  
2 to Rule 56 motion.

3 Q. You cite a lot of cases in this document, would you agree  
4 with me?

5 A. Give me a moment to look. It's been some time, and I've  
6 been looking on a lot of case -- on the case in California as  
7 well.

8 Q. Do you recall? The question is just, you cite a lot of  
9 cases in this document?

10 Take your time if you need it.

11 A. Yeah. I am reading it. I'm reading it over again. You  
12 know, that's -- you know, well, and I'm -- okay. So for  
13 evidence, yes, I cite a lot. I cite cases.

14 Q. Okay. And how do you go about researching to find those  
15 cases? What's your methodology?

16 A. Well, I've used Google, and I just go in and look at  
17 defendant Delta and/or whatever may be -- Delta Air Lines, and  
18 then, after that, I can look at the case, certain cases or  
19 anything in regard to say like the law, I'll go in and Google  
20 the law and search all the cases, or not all the cases, but  
21 cases that will come up on Google. And then I will look and  
22 see like what happened during that case and see if it pertains  
23 to what I'm suing Delta for.

24 And then sometimes you have to purchase the case,  
25 because they'll only give you a little bit of information, and

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Lee - Cross

1 then I might go through Pacer.

2 Q. Okay. Do you have any other sources of research available  
3 to you other than Google?

4 A. Yes.

5 Q. What else?

6 A. Nolo Law, I go on there.

7 Q. I'm sorry?

8 A. Nolo Law.

9 Q. Nolo Law?

10 A. Yes.

11 Q. Anything else?

12 A. There's plenty of books I've looked to pertaining to my  
13 case. There's YouTube. They tell you beginning and end how to  
14 start, begin a case, how to start it. Even TikToks, as well as  
15 every social media has information on how to get started and  
16 what company -- the whole process you need to do, how to win a  
17 case with a 30(b)(6).

18 Q. This document that you wrote and filed, what was it about?  
19 What was it -- what was the subject area that you were arguing?

20 Do you know, without looking at it, before you look at  
21 it?

22 A. This is from January, sir.

23 Q. Right, but it is this year, so I'm just wondering what you  
24 know about this document, without reading it.

25 A. No. I do know about it.

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Lee - Cross

1 Q. So tell me about it.

2 A. But I can't give you an argument about it right now.

3 THE COURT: So he's not asking you to have an  
4 argument.

5 THE WITNESS: Yes.

6 THE COURT: He's just asking you what you know about  
7 it without reading it, and you only know what you know. Then  
8 maybe he'll go through it, but he's just asking you what you  
9 know about it right now, without reading it. It's okay not to  
10 remember things.

11 THE WITNESS: Yeah, I would need to read over it.

12 Q. Right. Well, if you read the front of it, it says,  
13 Response to Defendant's Motion to Dismiss, Request for Notice  
14 of Conversion to Rule 56 Motion.

15 What's your understanding of -- does that help refresh  
16 your recollection as to why you submitted this?

17 A. No. That's why I'm telling you, I need to read it, read it  
18 over.

19 Q. That's fine.

20 A. Objection, asked, answered.

21 Q. I heard your answer.

22 What is a Rule 56 motion?

23 A. I didn't read it.

24 Q. No.

25 THE COURT: He's asking you right now, without reading

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Lee - Cross

1 it.

2 Q. What is a Rule 56 motion?

3 A. I need to read it.

4 Q. Okay. That's fine.

5 What is res judicata? Do you know what that is?

6 A. Yes. Yes.

7 Q. What is that?

8 A. When I sued Delta, this is my -- you know, my  
9 interpretation.

10 Q. Sure.

11 A. When I sued Delta for -- in the court, in Federal Court in  
12 California, I sued them for the merits of my case. The judge,  
13 that judge, dismissed my case, not for the merits but for  
14 jurisdiction per se. So my case has not been completely  
15 dismissed, because it still has merit. But it's more like it  
16 was in the wrong location when I, you know, got situated with  
17 that.

18 So right now, you know, that's what that's for. So  
19 it's not for my merits. It's just more for the jurisdiction.

20 Q. Are you familiar with a United States Supreme Court case  
21 called *Semtek International v. Lockheed Martin*?

22 A. I use that as a reference, yes.

23 Q. And what is Rule 41(b), without looking?

24 A. I have to look at that.

25 Q. You don't know that?

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Lee - Cross

1 A. I don't know that offhand.

2 Q. That's fine.

3 A. I don't know anything offhand except what I'm doing today,  
4 because I --

5 Q. You said you used the *Semtek* case. What way did you use  
6 it?

7 A. As a reference. I referenced it.

8 Q. You referenced it and for why? Why did you choose that  
9 case? Without looking. I'm asking for your memory.

10 A. No. I need to look at it.

11 Q. That's fine. If you can't answer my question -- as the  
12 judge told you, if you can't answer a question without looking  
13 at the document, then you should just tell me you can't answer  
14 it. But I still don't want you looking at the document.

15 A. Why did you give it to me again?

16 THE COURT: Sorry. No. So, look, he's going to be  
17 asking you questions, and, again, if you don't know without  
18 looking at it, you can say "I don't know without looking at  
19 it." That's fine. If he wants you to look at it at a later  
20 time, he will --

21 A. Okay. I don't know without looking at it.

22 Q. Okay. Thank you.

23 If you look at the document now, in Exhibit One that  
24 you have -- I guess it's the second exhibit, sort of towards  
25 the middle there's a declaration. It's page 11 of 35 on the

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Lee - Cross

1 top, and it's a declaration of Erika L. Lee.

2 A. Yes.

3 Q. Okay. You signed that document, on the page that's listed  
4 as 13?

5 A. Yes.

6 Q. That's your signature? It looks different than other  
7 signatures I've seen of yours, and that's why I'm asking you.

8 A. Yes. I used a CamScanner, so that is with my finger.

9 Q. And why did you use a CamScanner to sign?

10 If you wrote it, why didn't you just sign it while you  
11 had it right --

12 A. Well, you know, when you -- you put the document on pdf,  
13 and then I put it -- upload it on CamScanner, and then I used  
14 the CamScanner signature, where you use your finger.

15 Q. I'm just wondering if you wrote this document. You had it  
16 on your laptop, correct?

17 A. I had -- yes.

18 Q. And so why use CamScanner to sign it if it was on your  
19 laptop? Why not just sign it like you have all the other  
20 documents that you've submitted in this case?

21 A. Well, that -- I'm sorry. Because if it's on my computer,  
22 how do you sign your computer? You put it on -- you upload it  
23 onto the CamScanner, and then they give you the option to put  
24 your initials or your whole signature. I chose to use my  
25 initials.

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Lee - Cross

1 Q. Okay. And this is a document that we've established in  
2 prior hearings before this Court that has an incorrect address  
3 of where you live on the first page, correct?

4 A. Yeah.

5 Q. It says 100 Confucius Plaza, not 20 Confucius Plaza,  
6 correct?

7 A. Yeah. That was an error.

8 Q. Your testimony under oath now is that you wrote your own  
9 address incorrectly on that? That's a typo? Correct?

10 A. That was a typo.

11 Q. Okay. And it's your testimony that Mr. Azzarmi did not  
12 write this document and have you sign it via CamScanner,  
13 correct?

14 A. I wrote my own documents.

15 Q. Mr. Azzarmi did not write this document and have you sign  
16 it by CamScanner; is that your testimony?

17 A. Asked -- objection, asked, answered.

18 I wrote my own documents.

19 Q. I'm asking you about this specific document.

20 THE COURT: He's asking you a more specific question.

21 A. This is my work.

22 Q. I didn't ask you that. I asked whether you wrote this  
23 document and signed it with an incorrect address and the  
24 CamScanner signature or whether Mr. Azzarmi wrote it and had  
25 you sign it.

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Lee - Cross

1 A. The address was an answer -- I used the CamScanner and  
2 initialed my document after I uploaded it with the CamScanner,  
3 and I can only admit -- I can only do what I can do. And I --  
4 this is --

5 Q. I'm asking whether Mr. Azzarmi wrote this document and  
6 asked you to sign it. Yes or no?

7 A. He did not.

8 Q. Okay. And just to be clear, it's your testimony that the  
9 cases that are cited in here were all located using Google,  
10 correct?

11 A. Google, Pacer.

12 Q. Attached to the back of Exhibit One appears to be an  
13 exhibit that you have in front of you, which I guess is Exhibit  
14 Two, a document that was filed in the United States District  
15 Court for the Central District of California.

16 Do you see that?

17 A. Exhibit -- which one?

18 Q. I think it's page 14 of 35.

19 Do you see that?

20 A. Okay.

21 Q. Okay. This document reflects that case that you had in  
22 California prior to the case that is here in New York, correct?

23 A. Yes. March 1st, 2022 --

24 Q. Did Mr. -

25 A. -- this was filed.

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Lee - Cross

1 Q. Did Mr. Azzarmi assist you in any of the filings or legal  
2 work that you did in the California case referred to in the  
3 document that I just showed you?

4 A. No.

5 Q. Did you have any -- prior to bringing the cases against  
6 Delta, did you have any background in legal proceedings? Had  
7 you ever worked in a law office or as a paralegal?

8 A. No.

9 Q. Do you have any legal training of any kind?

10 A. No.

11 Q. And remind me what your last level of education was?

12 A. I have a Bachelor's in Science of Business, with a  
13 concentration in marketing. I also have a nursing degree.

14 Q. Okay. You said that you wrote the documents that were  
15 filed here on a laptop, correct?

16 A. Yeah. Laptop, iPad, phone, they're all pdf.

17 Q. But the briefs and pleadings that are lengthy, you didn't  
18 write those on your phone, correct?

19 A. No.

20 Q. Okay. Would that have been written on a laptop?

21 A. Yes.

22 Q. Okay. And was it the same laptop that you've had this year  
23 and since January of 2023, or do you have a different one?

24 A. Well, I have more than one.

25 Q. How many laptops do you have?

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Lee - Cross

1 A. I have two.

2 Q. Okay. And do you write your papers in this case on both of  
3 the laptops, or do you use only one for that purpose?

4 A. I use both.

5 Q. You use both.

6 And do you still have those, both laptops?

7 A. I do.

8 Q. And have you deleted any of the documents that you wrote on  
9 those laptops from your hard drive on those laptops?

10 A. Yes.

11 Q. You have?

12 A. Yes.

13 Q. Oh, okay. All of the documents have been deleted from your  
14 laptop?

15 A. No, they have not.

16 Q. Which ones have been deleted?

17 A. It's not more or less deleted. More or less transferred to  
18 an external drive.

19 Q. Okay. And do you still have the external drive?

20 A. Yes.

21 Q. Okay. And is the laptop where you wrote the papers in this  
22 case something that you have access to right now?

23 A. No, I do not have access to it right now.

24 Q. Now, in this courtroom, but in your -- one of your  
25 residences? Do you have access to it at a residence or a place

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Lee - Cross

1 where you reside?

2 A. Yes.

3 Q. You do. Okay. And where -- which residence are the  
4 laptops residing right now?

5 A. My New York City residence.

6 Q. Is that 20 Confucius Plaza?

7 A. Yes.

8 Q. Okay. And where is the hard drive that you described that  
9 you have transferred some documents to?

10 A. 20 Confucius Plaza.

11 Q. Same place?

12 A. Yes.

13 Q. What's the brand of the hard drive?

14 A. Western Digital maybe? I'm not sure.

15 Q. Okay. And does anybody else have access to your laptops or  
16 the hard drive besides yourself?

17 A. Anyone who comes to my home to -- who asks to use my  
18 laptop, yes.

19 Q. Okay. But, in general, do you loan out your laptop to  
20 other people?

21 A. No.

22 Q. Does it leave your home on a regular basis or --

23 A. No. It leaves my home with me.

24 Q. It leaves your home. Have you ever given your laptop to  
25 Mr. Azzarmi?

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Lee - Cross

1 A. I have not.

2 Q. Okay. Have you ever given access to your hard drive to  
3 Mr. Azzarmi?

4 A. No, I have not.

5 Q. Have you ever given access to your email address to  
6 Mr. Azzarmi?

7 A. No, I have not.

8 Q. Okay. You said that you have used something called  
9 CamScanner.

10 Am I remembering that right?

11 A. Yes.

12 Q. What is CamScanner?

13 A. It is a pdf file maker. So you take a picture of a  
14 document, and it turns it into a pdf.

15 Q. Is it a physical thing or is it an application program?

16 A. It's an application.

17 Q. Okay. And where -- you downloaded CamScanner onto your  
18 laptop?

19 A. No. You download it to your phone and you transfer  
20 objects. When you make the pdf, you make the pdf and you send  
21 them to your email or to your wherever.

22 Q. Well, do you need to use your phone to take a physical  
23 picture of a document?

24 A. You can use anything that takes pictures to use it, or you  
25 can use a printer or scanner as well.

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Lee - Cross

1 Q. Okay.

2 A. And it can read it through the CamScanner application.

3 Q. Where does the program reside in your possession? Is it on  
4 your phone? Is it --

5 A. From my phone. It's an application you can put on your  
6 phone. It's on my phone.

7 Q. In your case, it's on your phone?

8 A. Yes. And when you take the picture of the printed  
9 document, such as this, you then forward it to your computer or  
10 laptop.

11 Q. Is a record sent when you use CamScanner on your phone?

12 A. A record?

13 Q. Like a receipt or an acknowledgment that it was sent?

14 A. No, it's not.

15 Q. You don't receive an email that says "your scan went  
16 through" or something of that nature?

17 A. No. It's not a fax machine.

18 Q. I didn't ask whether it was a fax machine. Just a yes or  
19 no will do.

20 A. No.

21 Q. And did you keep any record personally of the times that  
22 you used CamScanner yourself?

23 A. Yes.

24 Q. Where does that reside?

25 A. It's on my laptop and my phone.

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Lee - Cross

1 Q. On your laptop and your phone?

2 A. Yeah.

3 Q. Can I ask, why do you have two laptops? Is there one for  
4 one purpose and one for another purpose?

5 A. One is older and one is newer.

6 Q. Yeah. Do you recall which laptop you used to write the  
7 second amended complaint?

8 A. No. Maybe the newer one, but I --

9 Q. I don't want you to guess. If you remember, tell me. If  
10 you don't, just tell me you don't and that's fine.

11 A. I don't remember.

12 Q. Okay. Now, going back to the second amended complaint, you  
13 testified that you had added two individuals, Jose Rosado and  
14 David Needham, to the second amended complaint, correct?

15 A. Yes.

16 Q. And you testified that it was your decision to do that,  
17 correct?

18 A. Yes.

19 Q. Okay. And you understood you needed to serve them with a  
20 copy of the complaint, correct?

21 A. Yes.

22 Q. Okay. What's your understanding of how you serve somebody?  
23 How do you go about serving an individual?

24 A. There are two ways to serve. Well, I -- we send it through  
25 the mail. I've done that before for you. And you send it

NM8DLeeH

Lee - Cross

1 personally to that individual, like to a job, or their last  
2 known address, or the address that you see for them.

3 Q. Okay. And what did you do to determine where to serve Mr.  
4 Rosado and Mr. Needham?

5 A. LinkedIn.

6 Q. Okay. And walk us through how you implemented a service of  
7 process of Mr. Needham and Mr. Rosado. You can do it one at a  
8 time.

9 A. Okay. So I prepared the second amended complaint, put it  
10 in an envelope, gave it to Aasir, and he -- she took it to  
11 their location of work and presented it to -- for David,  
12 Aretha, it is a lady. I have video documentation of this. And  
13 for -- no, that was for David. Yeah. David was Aretha. The  
14 lady came out of her office and buzzed her in -- him -- her in,  
15 and took the file in, in an envelope.

16 And for Dave, went in his office -- there was like I  
17 guess a security guard or a person that sits at the front desk.  
18 Took the object, and said that -- oh, David Needham, that's our  
19 HR rep. So they confirmed that he was the HR rep. there. And  
20 I also have video confirmation of those both of these. If you  
21 want to show me how to send it, I can send it.

22 Q. How do you know all of what happened? You weren't present,  
23 were you?

24 A. I have the video.

25 Q. Who took the video?

NM8DLeeH

Lee - Cross

1 A. Aasir.

2 Q. Who is Aasir?

3 A. Oh, that's what I call Mr. Azzarmi.

4 Q. Okay.

5 A. Sorry.

6 Q. When did this take place to your knowledge?

7 A. Oh, yeah. It was -- hold on. I know the date.

8 Q. What are you looking at?

9 A. I was looking to see when -- I believe it was the -- it was  
10 this month.

11 Q. The month of August?

12 A. Yes.

13 Q. And did you ask Mr. Azzarmi to serve Mr. Needham and Mr.  
14 Rosado?

15 A. Yeah. I wanted them re-served.

16 Q. Why did you ask Mr. Azzarmi to do that?

17 A. He had a -- he had an opportunity -- she had an  
18 opportunity.

19 Q. Can you expand on what that means, "she had an  
20 opportunity?"

21 A. Availability. And I didn't want there to be any  
22 information -- any, as you said -- you said that Cheline Byrd  
23 is not a real person, doesn't have an internet presence, and I  
24 know you have a history with Azzarmi.

25 Q. That's why you chose Mr. Azzarmi to serve the papers on

NM8DLeeh

Lee - Cross

1 Mr. Needham and Mr. Rosado?

2 A. And as well as availability.

3 Q. Okay. Did Mr. Azzarmi volunteer to do it or did you seek  
4 him out?

5 A. I asked.

6 Q. And does Mr. Azzarmi live with you on 20 Confucius Plaza?

7 A. No, they do not live there with me. They do come and  
8 visit.

9 Q. Do you know where -- let me back up for a second.

10 A. Yes.

11 Q. You've been using different pronouns for --

12 A. Yes.

13 Q. -- the person we call Azzarmi. I understand just generally  
14 that that person may prefer to be described using the "she"  
15 pronoun. Is that your understanding as well?

16 A. That is correct. That is correct.

17 Q. So I apologize in advance if I did not use that pronounce,  
18 but I'm just trying to use the name "Azzarmi" without pronouns  
19 if I can, so without being rude or coming across as rude.

20 So when you talked to Azzarmi, you said that Azzarmi  
21 comes and goes. Do you know where he resides -- do you know  
22 where Azzarmi resides presently?

23 A. As far as I know, California.

24 Q. You talked about somebody named Cheline Byrd, correct?

25 A. Yes.

NM8DLeeH

Lee - Cross

1 Q. Cheline Byrd is somebody that you knew earlier in your  
2 life? It is a real person, correct?

3 A. Yes.

4 Q. Okay. And Cheline Byrd is somebody that you knew for  
5 several years, correct?

6 A. Yes.

7 Q. Okay. And she lives -- where does she live?

8 A. She was living at 1 East 35th Street.

9 Q. And isn't it true that you used to live at 1 East 35th  
10 Street?

11 A. It is true.

12 Q. Did you live with her there?

13 A. No.

14 Q. And how is it that she's living in a place you used to  
15 live? Is there a coincidence or is there a story about that?

16 A. There is a story behind it, but she needed to stay there at  
17 the time.

18 Q. Do you own that apartment?

19 A. No, I do not.

20 Q. Do you have the ability to sublease it to another  
21 individual?

22 A. No, I do not.

23 Q. Do you have any kind of work relationship with Cheline  
24 Byrd?

25 A. No, no work relationship.

NM8DLeeH

Lee - Cross

1 Q. Where does Cheline Byrd work, if you know?

2 A. She does not work.

3 Q. How old is Cheline Byrd?

4 A. I believe she is 41.

5 Q. How long have you known Cheline Byrd?

6 A. Over 20 years.

7 Q. Can you describe her?

8 A. She is a black female, a little darker skinned than me, and  
9 about my height, thinner than me -- about the same size as me.

10 Q. Does she have any legal training to your knowledge?

11 A. To my knowledge, she does not.

12 Q. And did you ask her to serve documents for you?

13 A. Yes, I did.

14 Q. Why did you choose to do that?

15 A. At that moment, she was available.

16 Q. And did she report to you whether she had served documents?

17 A. Yes, she did.

18 Q. What did she tell you?

19 A. She said she served the documents.

20 Q. Did she tell you how she served them?

21 A. Yes.

22 Q. What did she tell you?

23 A. She told me that she had mailed out the two items that I  
24 prepared. And then she said that she went to Farmingdale, New  
25 York, to present one, and that would be I believe David

NM8DLeeh

Lee - Cross

1 Needham's, and went to the airport to serve the other, which  
2 was Jose Rosado.

3 Q. Did she tell you that she had personally served Mr. Needham  
4 in Farmingdale, New York, on July 14, 2023?

5 A. Yes, she did.

6 Q. And did she tell you how she personally served him?

7 A. Yes. I believe she said that she knocked on the door and  
8 she left it with a woman there, but --

9 Q. So she did not personally serve Mr. Needham; is that right?

10 A. Not personally to him, but personal to his address at that  
11 time.

12 Q. Okay. So when the -- if you take a look at -- I'm going to  
13 show you another document that's marked as -- we can mark as  
14 the third exhibit.

15 MR. ROSENSTEIN: If I could give the witness another  
16 document?

17 THE COURT: Sure. You can hand it to my deputy.

18 Q. So you're familiar with these documents, these proofs of  
19 service, correct?

20 A. Yes.

21 Q. And you filed them with the court, correct?

22 A. Yes.

23 Q. And you knew that when you filed the proof of service on  
24 Mr. Needham that it was inaccurate, correct?

25 A. It is not incorrect, because there's still a personal

NM8DLeeh

Lee - Cross

1 service even if she didn't put it in his direct hand.

2 Q. That's your view of the law?

3 I just want to make sure I understand why you're  
4 saying that.

5 Is that correct, that's your understanding?

6 A. That is my -- not necessarily my understanding, but he did  
7 receive it, because he reported it back to you.

8 Q. Okay.

9 A. Okay.

10 Q. It says, "I personally served the summons on the  
11 individual," and the individual, you'd agree with me, is David  
12 Needham, correct?

13 A. Yes.

14 Q. So wouldn't you agree with me that that is an inaccurate  
15 document?

16 A. Okay.

17 Q. Okay.

18 THE COURT: Mr. Rosenstein, which document is that?  
19 First of all, who is that signed by, that one?

20 MR. ROSENSTEIN: That is signed by Cheline Byrd.

21 THE COURT: Is there a way to identify it as a  
22 document in the docket?

23 MR. ROSENSTEIN: Yes. It is Docket Entry 63.

24 THE COURT: Okay.

25 MR. ROSENSTEIN: Page two.

NM8DLeeH

Lee - Cross

1 Q. I'm going to show you another document, which will be the  
2 fourth --

3 THE COURT: Fourth?

4 Q. Fourth exhibit.

5 A. Thank you.

6 Q. And this is a document in the docket as docket 64, and it's  
7 a letter from me to the Court with attachments.

8 Do you recall receiving this letter, and the  
9 attachments?

10 A. I'm sorry. I'm looking at a *Rosanda Brown v. Delta Air*  
11 *Lines* --

12 Q. Just look at the first page of the email, of the document,  
13 where it's a letter dated July 26 to Judge Lehrburger.

14 Do you see that?

15 A. Yes.

16 Q. Okay. And so my question is, do you recall receiving that  
17 letter with the attachments? And, again, if you do, you do.  
18 If you don't, you don't.

19 A. No.

20 Q. You don't recall that?

21 A. Huh-uh. I don't receive -- I did not receive this in the  
22 mail.

23 Q. Okay.

24 A. Oh, I'm sorry. I did. I have it here. Yeah. Go ahead.  
25 I'm sorry. I had to read it.

NM8DLeeh

Lee - Cross

1 Q. When you say you have it here, does that mean you have a  
2 copy of it in your physical possession?

3 A. Not -- yes, over there I believe.

4 Q. Okay. You're saying, just to be clear on the record, you  
5 brought a copy of that record to court with you today?

6 A. Of the letter?

7 Q. Of this letter that I just gave to you, correct?

8 A. Hold up. Let me read it.

9 Q. Sure.

10 MR. ROSENSTEIN: Could I trouble you for a glass of  
11 water?

12 THE WITNESS: Yes. You sent me this.

13 MR. ROSENSTEIN: Okay. I'm just going to take a  
14 second, because I just need a -- thank you so much.

15 Q. Okay. And did you read it once you received it?

16 A. Yes, I did.

17 Q. Okay. And the letter you agree refers to your location on  
18 July 20 and July 19, correct?

19 A. Correct.

20 Q. Okay. Where were you on July 19?

21 A. I was here in New York.

22 Q. Okay. And where were you on July 20?

23 A. I was here in New York.

24 Q. Have you been to the State of California in any -- in the  
25 last two or three months?

NM8DLeeH

Lee - Cross

1 A. Yes, I have.

2 Q. When were you in California?

3 A. I don't recall at the moment, but I have been in the State  
4 of California in the month July, but early, earlier.

5 Q. Okay. If you look at the Exhibit A to the letter, which is  
6 the first page of the exhibit --

7 A. Yes.

8 Q. Do you see it? There's an email from the  
9 Leeerikalatise@gmail.com to Andrew Frederick.

10 Do you see that?

11 A. Yes.

12 Q. And is it your testimony that you wrote this email to  
13 Mr. Frederick on July 19 at 9:09 a.m.?

14 A. Yes.

15 Q. Okay.

16 A. Not 9:09 a.m. No -- you're right, 9:09 a.m.

17 Q. Okay. And is it your testimony that you filed an  
18 opposition to Delta's motion to clarify the Court's order in  
19 California on July 20?

20 A. Yes, sir.

21 Q. And is it your testimony that you drafted that motion for  
22 clarification to the California court?

23 A. No.

24 Q. Did Mr. Azzarmi draft that document?

25 A. No.

NM8DLeEH

Lee - Cross

1 Q. Did he help you in drafting that document?

2 A. No.

3 Q. Did you draft that on your laptop?

4 A. Yes.

5 Q. Okay. And did you -- how did you file it in California if  
6 you were in New York? What did you do?

7 A. I did not file it in California. I was here in New York.  
8 I typed over an old form, and that was a form error when it  
9 stated at the bottom for California. That was a form error.

10 Q. So the document says that it was filed in California, but  
11 your testimony here under oath is that that was just a mistake,  
12 correct?

13 A. It was a --

14 Q. So how did you file it from New York in California?

15 A. I was -- I uploaded it, to the email.

16 Q. In what system did you upload it into a California court?  
17 There was no ability to do that to my knowledge. How did you  
18 do that?

19 A. What are you asking me?

20 Q. Well, how did you file it in California if you were in New  
21 York? That's what I'm asking.

22 It was filed on that date?

23 A. What are you asking me did I file? Show me.

24 THE COURT: Let's clarify which document you're  
25 referring to.

NM8DLeeh

Lee - Cross

1 THE WITNESS: Yes.

2 Q. Take a look at another document that I will give to you and  
3 we can clear this up I think. This is the sixth exhibit.

4 A. Thank you.

5 Q. Do you recognize this document, Ms. Lee?

6 A. Yes, I do.

7 Q. Okay. And the document that is there is filed in this  
8 court on Thursday, July 20, 5:15 p.m., correct?

9 A. Hold on. Okay. Yes.

10 Q. And that's Docket No. 60, correct?

11 A. Yes.

12 Q. Okay.

13 THE COURT: What is the document called?

14 Q. And that's plaintiff's response in opposition objection to  
15 defendant's letter motion for leave to file a motion to stay in  
16 ECF 59?

17 A. Yes.

18 Q. Correct?

19 A. Uh-huh.

20 Q. Do I have that right?

21 A. You are correct.

22 Q. And attached to that document on page one of 20, Exhibit A,  
23 is another document that was filed by you on the same day,  
24 July 20th, in California.

25 A. Yes.

NM8DLeeh

Lee - Cross

1 Q. And that's Response to Defendant's Harassing Redundant  
2 Frivolous Notice of Motion and Motion to Correct Clarification,  
3 and that was filed in California, correct?

4 A. What page are you on? You said A? One of 20, Exhibit A?

5 Q. It's sort of ten, 12 pages in.

6 A. Yes.

7 Q. Do you see that? It's under Exhibit A?

8 A. Yes.

9 Q. And that document has an address for you at 1054 East  
10 Turmont Street, Carson, California, correct?

11 A. Yes.

12 Q. It doesn't use your 20 Confucius Plaza address, correct?

13 A. It does not use my California address.

14 Q. And in it you declare that everything in that document is  
15 true and correct?

16 A. Yes, I do.

17 Q. Is that right?

18 Okay. And my question, before I hand you this  
19 document, was how did you file this document from New York?  
20 What methodology?

21 A. Oh, you mean -- okay. So for this court, you have to go  
22 onto their website to file it. Whereas this one, you have to  
23 do it through an email.

24 THE COURT: Wait. So the first court in your sentence  
25 you're referring to is California?

NM8DLeeh

Lee - Cross

1 THE WITNESS: California.

2 THE COURT: The second one is New York?

3 THE WITNESS: New York, yes.

4 Q. And it's your testimony here under oath that you filed this  
5 document and served it from the State of New York?

6 A. Yes.

7 Q. And it's your testimony that Mr. Azzarmi did not have  
8 anything to do with filing this?

9 A. No.

10 Q. And it's your testimony that you wrote this document as  
11 well, Exhibit A, in its entirety, correct?

12 A. Yes.

13 Q. Okay. And you did all the research for it as well,  
14 correct?

15 A. Yes.

16 Q. Is that right?

17 A. Yes.

18 Q. And all the citations are cases that you located on Google;  
19 is that correct?

20 A. And Pacer.

21 Q. And Pacer. Got it. Got it.

22 And in this -- you were able to draft both this  
23 document and the Needham response in opposition to defendant's  
24 letter motion to file more or less on the same day, correct?

25 A. Correct.

NM8DLeeh

Lee - Cross

1 Q. It took you a day to put both of these papers together; is  
2 that your testimony?

3 A. Yes.

4 Q. It's impressive. What is the document that's called  
5 Plaintiff's Response in Opposition Objection to Defendant's  
6 Letter Motion for Leave to File a Motion to Stay?

7 A. Which one?

8 Q. The first one. Without reopening it -- I'm not asking you  
9 to read it. It was only a few weeks ago, so I'm sure you  
10 remember why you wrote it. So what was it? Why were you doing  
11 that?

12 A. Oh --

13 Q. Well, I'm not asking you to look at it. I'm just asking --

14 A. Okay. Well, the reason --

15 Q. Yes. I mean, why did you do it?

16 A. I did it because -- because you wanted to stay and I  
17 didn't. You wanted to stop the proceedings, the discovery.

18 Q. Yes. And what was your basis for believing that a stay was  
19 not warranted? Why did you think that it was inappropriate?

20 A. Because you're here to delay, delay -- your whole thing is  
21 about Mr. Azzarmi. Nothing about me and my merits.

22 Q. What was the legal basis for your motion, without reading  
23 it? I'd like you to tell us what the legal basis for it was  
24 without reading it.

25 It looks like you're reading it.

NM8DLeeh

Lee - Cross

1 A. I need to read it.

2 Q. You don't remember? It was only three weeks ago.

3 A. Do you know how many I've written in this time period?

4 Q. In the last three weeks you've written a lot of motions.

5 A. Yeah, because I'm reading everything. I'm preparing it.  
6 Because you're reading everything as well.

7 Q. That's fine.

8 THE COURT: Let's remember here that the witness is a  
9 lay witness.

10 THE WITNESS: Exactly, your Honor.

11 Q. And what was the basis for the filing you made in  
12 California? Why did you file it?

13 A. Because Andrew --

14 THE WITNESS: I don't have his last name, your Honor.

15 THE COURT: Okay.

16 A. That lawyer, he's trying to open up a closed case that he  
17 asked to be closed, to be dismissed, and he wants to reopen it.  
18 You know, I'm getting hit all over the place, and I just want  
19 my rights to be, you know, honored.

20 Q. And what was the legal basis that you relied on in filing  
21 that motion?

22 A. Filing that motion? Because the judge -- the judge, her  
23 honor, should not be able to open that case back up and deny it  
24 off of the merits when we haven't even discussed the merits for  
25 that case. He didn't ask for it to be dismissed based on the

NM8DLeeh

Lee - Cross

1 merits. He asked for it to be dismissed based on a rule. And  
2 at the moment, I don't know the rule, but he asked for it on  
3 the rule, not the merits of my case.

4 Q. Did you tell Mr. Frederick and the Court that you wanted to  
5 delay any kind of hearing on that motion, because you were  
6 having surgery on August 23rd?

7 A. Yes.

8 Q. But are you having surgery on August 23?

9 A. It's been delayed.

10 Q. Okay. Do you know what sua sponte means?

11 A. Sua sponte? Is that the indefinite stay?

12 Q. Either you know it or you don't know it, but that's fine.

13 Do you know what boiler plate means?

14 A. Boiler plate? I've seen it used, and that's why I've used  
15 it.

16 Q. And how do you use it? What's your understanding of what  
17 it means?

18 A. The boiler plate? Let me read it.

19 Q. No, I'm not asking you --

20 A. No. I need to read it.

21 Q. -- in context.

22 A. Yes.

23 Q. But off the top of your head, you don't know what it means  
24 sitting here now?

25 A. No.

NM8DLeeh

Lee - Cross

1 Q. Okay. I'm going to show you a document that can also be an  
2 exhibit.

3 THE COURT: Exhibit No. 7?

4 MR. ROSENSTEIN: Yes.

5 THE WITNESS: Thank you. Okay.

6 Q. Are you familiar with this document?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes. I'm sorry.

10 Q. That's okay. And did you write this yourself?

11 A. Yes.

12 Q. Why?

13 A. This is a discovery tool, so I could get the information  
14 from you so we can know what we're doing. It saves time for  
15 the actual case. And I want -- you want me to tell you what --  
16 like the questions I asked, which would be what, the  
17 interrogatories?

18 Q. No. I just asked if you knew what the document was.

19 A. Yeah, I do.

20 THE COURT: Mr. Rosenstein, what docket number?

21 MR. ROSENSTEIN: Sorry. This is -- these are the  
22 discovery requests that were filed in the case, so they are not  
23 in the docket, but they are in the docket as exhibits to this  
24 motion for stay of discovery. So that would be --

25 THE COURT: What's the title of the document?

NM8DLeeh

Lee - Cross

1 MR. ROSENSTEIN: Plaintiff's Rule 33 Interrogatories  
2 and Rule 34 Request for Production of Documents.

3 THE COURT: Thank you.

4 MR. ROSENSTEIN: Thank you.

5 Q. I'm going to send you another document.

6 THE COURT: Exhibit Eight?

7 THE WITNESS: Thank you.

8 Q. Are you familiar with this document?

9 A. Yes.

10 Q. Okay. Did you write it?

11 A. Yes.

12 Q. Did Mr. Azzarmi have anything to do with writing this?

13 A. No.

14 THE COURT: Are you going to identify the document,  
15 please?

16 MR. ROSENSTEIN: This is an email. I apologize, your  
17 Honor.

18 Q. This is an email from Erika Lee to me dated July 18, 2023,  
19 with an attachment, Plaintiff's Notice of Rule 30(b)(6)  
20 Deposition.

21 What is a 30(b)(6) deposition?

22 A. It's another discovery tool, so that Delta can send in a  
23 person to represent Delta and I can ask them questions about --  
24 well, I'll give you a list of topics -- they can be able to  
25 answer all the topics I've given them in the Rule 30(b)(6).

NM8DLeeh

Lee - Cross

1 Q. Did you pay a deposit to a court reporter?

2 A. I was in the process of it.

3 Q. Well, I didn't ask that.

4 A. No, not as of yet.

5 Q. Okay. Thank you.

6 A. You got your stay.

7 Q. I'm going to show you another document. It would be  
8 Exhibit Nine, and this is Docket No. 65.

9 Are you familiar with this document?

10 A. Yes.

11 Q. Did you draft this?

12 A. Yes.

13 Q. Sorry. I couldn't hear you.

14 A. Yes.

15 Q. You drafted this on your laptop?

16 A. Yes.

17 Q. And it's still on your laptop?

18 A. I believe so.

19 THE COURT: Can you identify the document, please?

20 MR. ROSENSTEIN: I had -- it says Document 65 -- oh,  
21 you want the name of it. Plaintiff's Response in Opposition  
22 and Objection to Defendant's Harassing Letter Regarding Alleged  
23 Litigation Conduct in ECF No. 64. Plaintiff Moves for  
24 Protective Order under Rule 26.

25 THE COURT: Thank you.

NM8DLeeh

Lee - Cross

1 Q. And it's your testimony that you did the research for this  
2 filing as well, correct?

3 A. Yes.

4 Q. And that you found all the cases on Google, correct?

5 A. Yes, I did.

6 Q. Okay.

7 A. You'd be surprised.

8 Q. How long did it take you to write this document?

9 A. A little while.

10 Q. How long is a little while?

11 A. Over a day.

12 Q. And what do you base your New York constitutional claims  
13 on?

14 A. In this document?

15 Q. In general.

16 A. My constitutional claims? As in amendments? Well, I would  
17 like --

18 Q. I mean, you --

19 A. Ask me something specific, please.

20 THE COURT: Yes. I agree. And you're testing her on  
21 legal knowledge. I recognize that these are legal documents  
22 and there's claims of legal research, et cetera, but it would  
23 not be unreasonable for a lay person to not necessarily recall  
24 everything about what they research and have written.

25 So far the witness has reasonably acquitted herself of

NM8DLeeH

Lee - Cross

1 at least providing knowledge of a good many of the documents  
2 that you've been presenting her with. It's obviously not  
3 perfect and certainly not going to be what you or I would  
4 necessarily remember, but I'm not sure that you're really  
5 making the headway you would hope to make on this particular  
6 line of questioning.

7 Q. Can you take a look -- you testified earlier that you  
8 learned that Delta was contesting service on Mr. Rosado and  
9 Mr. Needham, correct?

10 A. You mean when you said that? I mean --

11 Q. Yeah.

12 A. Okay.

13 Q. Well, did you -- it's your testimony. Did you --

14 A. Well, yeah, you contested it.

15 Q. Did you learn --

16 A. You contested --

17 THE COURT: One at a time.

18 THE WITNESS: Okay.

19 THE COURT: Ask your question, because I'm not clear  
20 what the question is.

21 Q. Did you learn on July 26 that Delta was contesting service  
22 on Mr. Rosado and Mr. Needham from Cheline Byrd, that Delta was  
23 saying that this service was not effective?

24 A. Yes.

25 Q. You learned that from the letter that Delta submitted to

NM8DLeeh

Lee - Cross

1 the Court, correct?

2 A. Yes. When you stated she was not a real person.

3 THE WITNESS: Your Honor, I do have evidence. I can

4 --

5 THE COURT: Just hold onto it for a moment.

6 THE WITNESS: Okay.

7 Q. Did you engage Mr. Azzarmi at that point to try to reserve  
8 him? I think you said you did, right?

9 A. I did ask him -- sorry, her. I've known her for a long  
10 time before, and the -- I did ask her to redo it so we would  
11 not have no issues moving forward.

12 Q. Do you know somebody named Dena Stinnet?

13 A. I don't. I don't believe so. I do know of a Vena Stinnet.

14 Q. Did you have any involvement in a lawsuit that Vena Stinnet  
15 brought against Delta Air Lines?

16 A. Involvement as to what?

17 Q. Did you participate in any way in that lawsuit?

18 A. Possibly.

19 Q. Did you have access to her complaint and her filings in  
20 that case?

21 A. I do not.

22 Q. Did you at any time?

23 A. No.

24 Q. Did you ever serve papers for Ms. Stinnet?

25 A. Possibly. I need to look at what you're showing me. I

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Lee - Cross

1 mean, you're asking me these questions and I don't know  
2 anything -- you know, can you show me something? I will give  
3 you --

4 Q. I'm just asking you --

5 THE COURT: This is more of a factual nature.

6 THE WITNESS: Oh, okay. Okay.

7 Q. Do you remember serving Vena Stinnet with any papers?

8 A. Serving her?

9 Q. Or serving anybody papers in Vena Stinnet's case?

10 A. I might have.

11 Q. And why would you have done that?

12 A. To serve documents. I mean, I don't understand why I would  
13 --

14 Q. Who asked you to serve papers for Vena Stinnet if that even  
15 happened?

16 A. That's what I'm saying, I don't recall. But that's what  
17 I'm saying, if you can show me something and I look at it and I  
18 see the name, I will definitely say yes or no I did or did not  
19 do that.

20 Q. That's become clear.

21 A. Yes.

22 Q. I'm not asking you as to that?

23 A. Okay.

24 THE COURT: Do you need more water?

25 THE WITNESS: I do. I started drinking more water

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Lee - Cross

1 lately. Thank you, your Honor.

2 MR. ROSENSTEIN: If we could just take a minute break  
3 so I can recap --

4 THE COURT: Sure. Why don't we take a ten-minute  
5 break.

6 MR. ROSENSTEIN: Okay.

7 THE COURT: Mr. Rosenstein, how much more do you have?

8 MR. ROSENSTEIN: I think that might be it.

9 THE COURT: So you can step down, and we can take a  
10 ten-minute break.

11 (Recess taken.)

12 THE COURT: Ms. Lee, come back to the stand.

13 Ms. Lee, you are still under oath.

14 Do you understand?

15 THE WITNESS: Yes.

16 MR. ROSENSTEIN: I don't have any further questions.

17 THE COURT: I have a few questions. So, first of all,  
18 are you familiar with Westlaw or Lexis?

19 THE WITNESS: Well, yeah, I used -- I look at them on  
20 the internet.

21 THE COURT: So you have used those?

22 THE WITNESS: More like Cornell Law.

23 THE COURT: Have you used the Westlaw service?

24 THE WITNESS: I might have. I've used a lot of the --

25 THE COURT: You've used the Lexis service?

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Lee - Cross

1 THE WITNESS: I may have.

2 THE COURT: Okay. And it's been said a couple times  
3 today that you live at 20 Confucius Plaza, correct?

4 THE WITNESS: Yes.

5 THE COURT: What apartment there do you live at?

6 THE WITNESS: 10-K

7 THE COURT: So has Mr. Azzarmi ever lived with you at  
8 that apartment?

9 THE WITNESS: Completely lived, no. Has stayed the  
10 night, yes.

11 THE COURT: What's the longest period he's stayed  
12 there?

13 THE WITNESS: Two to three nights.

14 THE COURT: Okay. And where does he reside?

15 THE WITNESS: California.

16 THE COURT: So there was reference before to the  
17 service that Mr. Azzarmi made in order to serve Mr. Rosado and  
18 Mr. Needham.

19 Do you remember that?

20 THE WITNESS: Yes, your Honor.

21 THE COURT: Okay. Are those proofs of service before  
22 the witness, Mr. Rosenstein?

23 MR. ROSENSTEIN: They are not, but they can be.

24 THE COURT: I'd like that, please.

25 So this will be Exhibit Ten.

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Lee - Cross

1 THE WITNESS: Thank you.

2 THE COURT: Do you recognize those documents, Ms. Lee?

3 THE WITNESS: Yes.

4 THE COURT: Do you understand each of the proofs of  
5 service that were filed by you but under the signature of  
6 Mr. Azzarmi saying that he made the service on Mr. Rosado and  
7 Mr. Needham?

8 THE WITNESS: Yes.

9 THE COURT: Okay. Do you see at the bottom that  
10 Mr. Azzarmi says that his address is 20 Confucius Plaza, 10-K?  
11 Do you see that?

12 THE WITNESS: Yes.

13 THE COURT: Do you know why he listed his address as  
14 your address?

15 THE WITNESS: He uses my address for New York.

16 THE COURT: Okay. Has he used that address on other  
17 pleadings that he's filed in other cases?

18 THE WITNESS: Yes.

19 THE COURT: All right. Mr. Rosenstein, anything you  
20 want to follow up?

21 MR. ROSENSTEIN: No, your Honor.

22 THE COURT: All right. Ms. Lee, thank you.

23 Is there anything else you wanted to say while you're  
24 still up there?

25 THE WITNESS: Well, I do have evidence that shows that

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Lee - Cross

1 they're lying about Cheline not having an internet presence.

2 This is the -- they talked about the screenshot with the Apple  
3 product.

4 THE COURT: Are you referring to Ms. Byrd?

5 THE WITNESS: Ms. Byrd, Cheline Byrd, yes. She has an  
6 internet presence.

7 THE COURT: Okay. So what's the evidence that you  
8 want to --

9 THE WITNESS: This is a screenshot of a Google.com  
10 search engine stating she is a person and she does have an  
11 internet presence.

12 THE COURT: All right. We'll mark this as Exhibit 11.

13 THE WITNESS: And this is a --

14 THE COURT: Why don't you show this to Mr. Rosenstein.

15 THE WITNESS: Yes.

16 And it took 26 seconds to bring that up. And this is  
17 an article I would like to present in evidence by Mike Peterson  
18 from AppleToolbox.com. And it shows that there is a time zone  
19 bug, because he's stating something about a screenshot and it  
20 would be too many different places. It was -- and then on the  
21 ninth --

22 THE COURT: Hold on. So I am marking as Exhibit 12 a  
23 printout from -- is this a printout from the internet?

24 THE WITNESS: Yes.

25 THE COURT: Okay. And the title is "There's a Time

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Lee - Cross

1 Zone Bug in IOS, in --

2 THE WITNESS: Yes.

3 THE COURT: -- iPad IOS. Here's what to do it about  
4 it." Last updated May 1st, 2020.

5 THE WITNESS: And on July 19, I would like to present  
6 a Google -- sorry, an Uber receipt, which I received from Uber,  
7 for July 19. And it shows that there is a time zone issue,  
8 because they sent me the receipt three hours before I took the  
9 trip, and I want to present that.

10 THE COURT: All right. So this is Exhibit 13. It's  
11 from Uber receipts, and the subject is your Wednesday morning  
12 trip with Uber dated July -- and the date of the email is  
13 July 19, 2023, at 9:18:45 a.m. It's to ErikaLee@Hotmail.com.

14 THE WITNESS: Yes. And you'll see on the third page  
15 the times I took the trip, which was three hours in advance.

16 THE COURT: Okay. It sounds like something  
17 conceivably could be going on between New York time and  
18 California time.

19 THE WITNESS: Yes. And this is all related to the  
20 merits.

21 THE COURT: Yes. Okay. Let's hold on the merits  
22 issues.

23 THE WITNESS: Okay.

24 THE COURT: Mr. Rosenstein, is there anything you want  
25 to ask about any of those documents?

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Lee - Cross

1 MR. ROSENSTEIN: I just want to take a quick look at  
2 this last one if I could.

3 THE COURT: Yes. Sure.

4 MR. ROSENSTEIN: Thank you.

5 Nothing further.

6 THE COURT: Okay. You can step down, Ms. Lee. Thank  
7 you.

8 MS. LEE: Thank you, your Honor.

9 These exhibits you gave me, I keep it?

10 THE COURT: We keep it.

11 THE WITNESS: Okay. Because it's a lot.

12 THE COURT: That's all right.

13 Mr. Rosenstein, I would like you to send in a list by  
14 number of your exhibits, and it should identify what they are,  
15 and ideally send in an electronic copy with the exhibits.  
16 Okay?

17 MR. ROSENSTEIN: Absolutely.

18 THE COURT: Thank you.

19 All right. So, Mr. Rosenstein, we had this hearing  
20 based on Delta's application. Is there anything else you want  
21 to say now that you've taken testimony from Ms. Lee?

22 MR. ROSENSTEIN: Our application, and it speaks for  
23 itself, and the concerns that we have and have continued to  
24 have in this case persist. There is powerful circumstantial  
25 evidence of Mr. Azzarmi's involvement in this case. That

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Lee - Cross

1 circumstantial evidence is evidence that can be considered by  
2 the Court, but probative evidence is much more difficult to  
3 locate, as we said in prior hearings. The attempt to prove a  
4 negative can be very difficult to do. So we've given, I think,  
5 the Court information, and really in furtherance of our duties  
6 as officers of the Court, that's the reason that we have  
7 presented information continually to this Court, because we  
8 feel it is our responsibility to do so.

9 I think the Court has heard testimony and seen  
10 documents, and there are additional documents that would  
11 provide serious questions about the plausibility of some of the  
12 testimony that was heard here today. We're very much willing  
13 to provide this Court with additional information based on what  
14 we heard today at this hearing if the Court desires it.

15 This is a motion pending in California on the res  
16 judicata issue that has been fully briefed, and it's on  
17 submission out to the California Court. That may result in  
18 additional dispositive motion practice before this Court,  
19 depending on the results of that decision and how quickly it  
20 arises, but issues like this and like those raised I think are  
21 serious in that they go to the heart of our jurisprudence  
22 system. And so we welcome the opportunity to provide  
23 additional information if the Court desires it, and we're happy  
24 to do so. And the Court can make its own judgments as to how  
25 to proceed with that full information.

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Lee - Cross

1 THE COURT: Ms. Lee, is there anything you want to  
2 say?

3 MS. LEE: Yes. I would really like to get my -- I  
4 would like to get to my case. They're asking a lot of  
5 questions about who wrote this or wrote that. I wrote it. I  
6 came up here, and I believe that I gave to my best ability all  
7 the information that you guys asked. I wrote it. I used  
8 Google documents. I even have consulted with attorneys in  
9 regard to this. So this is my information, and you definitely  
10 can find all the information that I've gotten from YouTube  
11 videos, Nolo Law, Cornell Law. They have even how to win a  
12 case with a 30(b)(6). Like all of these -- all of these at  
13 your fingertips.

14 And am I articulate to say everything like a lawyer?  
15 Absolutely not. But I did my research and I would just like my  
16 day in court to show the merits of my case.

17 THE COURT: Thank you. I appreciate that.

18 I am still interested in what the California Court  
19 will do.

20 MS. LEE: Yes.

21 THE COURT: So I'm keeping the stay in place for the  
22 moment.

23 MS. LEE: Okay.

24 THE COURT: We'll see how much time passes there.

25 Certainly the Court has its concerns about the extent

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Lee - Cross

1 of Mr. Azzarmi's involvement, if any, in this particular  
2 lawsuit. Obviously he was involved in service in some way at  
3 the very least. There certainly is circumstantial evidence  
4 that much of what has been filed here bears resemblance in one  
5 way or another to papers that he has filed, and there have been  
6 issues about addresses and things of that nature that all raise  
7 questions.

8 But certainly what I've heard today hasn't established  
9 any proof that there was anything illegal or inappropriate  
10 that's going on at the moment. There may be, but so far the  
11 Court doesn't have it in front of it.

12 Again, Ms. Lee has adopted and testified that all  
13 these pleadings are her own and that Mr. Azzarmi was not  
14 involved. Again, maybe he was. Maybe that will prove  
15 untruthful. I don't know. But, again, before the Court I  
16 don't have anything that would allow me at the moment on the  
17 current record to find a particular impropriety. But this will  
18 be an issue probably that continues in the case, if the case  
19 continues, and at some point it's possible that Mr. Azzarmi may  
20 need to make an appearance in this case. But, again, that may  
21 depend on circumstances, and, as I think I mentioned last time,  
22 there is nothing that prevents pro se plaintiffs from  
23 coordinating with each other in different cases, particularly  
24 where they were all former employees.

25 There may be issues about the merits of their cases,

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Lee - Cross

1 but, again, I don't see that we have sort of a fraudulent or  
2 token plaintiff of sorts that might appear in other cases.  
3 Yes, it should not be the case that a ghost writer of sorts  
4 creates all the legal pleadings that are submitted in a case,  
5 and that might raise concerns, but, again, we don't have that  
6 proof yet.

7 All right. Let me ask, anything else, Mr. Rosenstein?

8 MR. ROSENSTEIN: No, your Honor.

9 THE COURT: Anything else, Ms. Lee?

10 MS. LEE: No, your Honor.

11 THE COURT: We were adjourned. Thank you.

12 (Adjourned)

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